49

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ.

Writ Petition No.3796 of 1994

PETITIONER Alois Ekka, aged about 66 years, Retired Assistant Teacher, Ambika Mission Middle School, Ambikapur, Resident of Fundurdihari, Ambikapur, Distt. Surguja, M.P.

Versus

RESPONDENTS

1. State of Madhya Pradesh Through the Secretary, School Education Department, Vallabh Bhawan, Bhopal
2. Joint Director, School Education, Sarguja Division, Ambikapur, Distt. Surguja, M.P.
3. Deputy Director, School Education, Ambikapur, post Ambikapur Distt. Surguja, M.P.
4. Manager, St. Xavier's Higher Secondary School, Ambikapur, Distt. Sarguja, M.P.

Petition under Article 226 and 227 of the Constitution of India.

Present : Shri P.K. Bhaduri, counsel for the petitioner.
Shri Sanjay S. Agrawal, Govt. Advocate for the State/respondents No. 1 to 3.

ORAL ORDER
(Passed on 11TH June, 2007)

Petitioner attained the age of superannuation in the year 1991 and according to him he continued to perform duties as Teacher till 30th June 1994, i.e. for a period of three years thereafter. However, he has not been paid his full salary for the period of three years rather he was only paid half salary for the said period.

Learned counsel for the petitioner relies upon the circular of the State Government dated 09-12-1974 wherein it is provided that extension can be granted to a teacher till he attains the age of 65 years. The age of superannuation is provided under the law and the same has not been extended by way of the amendment in the Act. However, there is nothing on record to

(50)

show that neither any permission was sought by respondent No. 4 to extend the period of petitioner's service nor demanded any money towards the payment of salary of the petitioner. Since, there is nothing on record to show that the salary was being demanded by respondent No.4, petitioner cannot demand salary from the State Government for the period he has worked after attaining the age of superannuation without approval of the State Government. In these circumstances, no interference is warranted. However, it would be open for the petitioner to demand the same from respondent No.4 or in the alternative approach to the competent Court for redressal of his grievances.

With these observations the petition stands decided.

Sd/-
Acting Chief Justice

Kamde